

BOARD OF APPEALS APPLICATION

NOTICE: This application must be typewritten or printed and filed in SEVEN copies, including attachments, with the Planning and Zoning Department.

[] an APPEAL is hereby taken from an administrative decision by the Zoning Officer or other administrative official.

[] an application for a VARIANCE from the provisions of the Zoning Code is hereby made.

APPLICANT: _____ **TELEPHONE:** _____
(PROPERTY OWNER)

ADDRESS: _____

ADDRESS & DESCRIPTION OF PROPERTY: _____

***REPRESENTATIVE OF PROPERTY OWNER:** _____ **TELEPHONE:** _____

REPRESENTATIVE'S ADDRESS: _____

SPECIFIC APPEAL/VARIANCE SOUGHT

(Please specify administrative decision/Code Section being appealed or Code Section and lineal feet/area to be varied, etc.)

DESCRIBE GROUNDS OF APPEAL/VARIANCE:

Applicant must submit all of the following for a VARIANCE request. For an APPEAL, only the last FIVE items are required.

- ▶ If required, SEVEN copies of the State of Maryland Critical Area Compliance Information;
- ▶ ONE copy of names of the persons having financial or vested interest in the project;
- ▶ SEVEN copies of a plat showing the property, existing structures, and proposed improvements to scale and folded to mailing size;
- ▶ SEVEN copies of a vicinity map (as required by the attached General Information and Instructions), folded to mailing size;
- ▶ SEVEN copies of a Written Statement of how the variance request meets the Standards of Section 21.80.040, attached;
- ▶ ONE listing of property owners within 200 feet of the subject property;
- ▶ Applicable Fee (\$200 for an Appeal; \$75 for single family dwelling variance; \$200 for all other variances);
- ▶ Two sets of stamped No. 10 envelopes of surrounding property owners within 200 feet;
- ▶ Upon notification, post a Public Hearing sign on the property;
- ▶ Presentation of a master package of exhibits at the night of the hearing, see information sheet.

***The Planning and Zoning Department must be notified in writing of any change of representative for the applicant.**

The applicant will be billed for newspaper advertisements as noted in the General Information and Instruction sheet.

SIGNATURE OF APPLICANT:_____ **DATE:**_____

NOTE: A copy of the written opinion rendered by the Board will be mailed to the applicant.

Hearings before the Board of Appeals are conducted in accordance with the applicable provisions of Section 4.07 of Article 66B of the Annotated Code of Maryland, Sections 21.88.020, 21.80 and 21.90 of the Code of the City of Annapolis, and the bylaws of the Board. Copies of the bylaws of the Board are available in the Planning and Zoning Department.

<p>EXPIRATION - EXTENSION: NO ORDER OF THE BOARD OF APPEALS GRANTING A VARIANCE SHALL BE VALID FOR A PERIOD LONGER THAN SIX (6) MONTHS FROM THE DATE OF THE ORDER, UNLESS THE BUILDING PERMIT IS OBTAINED WITHIN THAT PERIOD AND THE ERECTION OR ALTERATION OF A BUILDING IS STARTED OR THE USE IS COMMENCED WITHIN THAT PERIOD. HOWEVER, THE BOARD OF APPEALS, IN ITS DISCRETION AND UPON A SHOWING OF GOOD CAUSE, MAY GRANT UP TO TWO (2) SUCCESSIVE EXTENSIONS OF AN ORDER GRANTING A VARIANCE FOR PERIODS NOT LONGER THAN SIX (6) MONTHS EACH, PROVIDED THAT A WRITTEN APPLICATION FOR EACH EXTENSION IS FILED WHILE THE PRIOR ORDER IS STILL VALID. (SECTION 21.80.050 - ANNAPOLIS CITY CODE).</p>
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GENERAL INFORMATION AND INSTRUCTIONS FOR AN APPEAL/VARIANCE TO THE ANNAPOLIS BOARD OF APPEALS

An application for a variance or an appeal from an administrative decision shall be filed in writing with the Department of Planning & Zoning, and shall contain such information as the Board of Appeals may require.

The Board may grant variances *only* on the following basis and the applicant should make sure that his particular application *will* meet these standards.

Standards for Variances

A written response to *each* of the standards listed below is required as part of the application for a variance. The following is taken from the Annapolis City Code, Title 21, entitled "Planning and Zoning", Section 21.80.040:

The board of appeals shall not vary the regulations of this chapter as authorized in this section, unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular **hardship to the owner** would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

(2) The conditions upon which a petition for a variation is based are **unique to the property** for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

(3) The purpose of the variance is **not based** exclusively upon a desire to **increase financial gain**.

(4) The alleged **difficulty** or **hardship** is **caused by this chapter** and has not been created by any persons presently having an interest in the property.

(5) The granting of the variation will **not be detrimental to the public welfare or injurious to other property or improvements** in the neighborhood in which the property is located.

(6) The proposed variation **will not impair an adequate supply of light and air** to adjacent property, or substantially **increase the congestion of the public streets, or increase the danger of fire, or substantially diminish or impair value** within the neighborhood.

The board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this chapter.

Materials to be Submitted for an Appeal/Variance

The applicant must, for a variance, supply the following information. An appeal need provide only the items with *** in front of them:

1. ***Seven copies of the completed application.
2. Seven copies of a plat showing existing improvements and proposed changes at a scale as follows:
 - up to three acres - 1" = 20'
 - up to ten acres - 1" = 40'
 - ten acres or more - 1" = 100"
 - a north direction arrow and scale shall appear on such plats.
3. Seven copies of a vicinity map of the area covering 1,000 feet from the boundaries of the land covered by the application at a scale of not less than 800 feet to the inch if the area is ten acres or less; and not less than 2,000 feet to the inch if the area is more than ten acres. A north direction arrow and scale shall appear on such maps. These maps must be folded suitable for mailing.
4. ***Two sets of names and addresses of property owners within 200 feet shall be provided on stamped #10 envelopes.

5. A list of the names and addresses of all persons having a financial or vested interest in the project; for corporations or partnerships, the names and addresses of all principals.
6. Seven copies of a written statement addressing how the requested variance meets *each* of the six standards for granting a variance.
7. The application must be accompanied by a check or money order payable to the CITY OF ANNAPOLIS in the amount of the applicable fee stated below.
8. ***A master package of any exhibits, numbered and labeled, to be entered into the record of proceedings, must be given to the recording secretary *at the hearing*.

As stated above in #7, a master package of any exhibits intended to be introduced into the record, must be numbered and labeled and given to the recording secretary at the night of the hearing.

Public Notice

The applicant for an appeal or a variance will be billed for a Notice of Hearing which will be placed by the Board in a local newspaper fifteen days before the hearing, and for a Notice of Decision which will be placed in a local newspaper after the Board of Appeals has reached their decision.

The applicant for an appeal or a variance, upon receipt of instructions, shall properly post the subject property and bear all costs incurred. The instructions make the applicant responsible for placing and maintaining a sign in a conspicuous place, adjacent to, and in view from, a public way so as to be legible by a person standing on such public way. The Planning and Zoning Department, acting for the board, may assist in the property placement. The sign must be posted and continuously maintained for fifteen days before the hearing, and within seven days after the hearing the sign must be removed.

Meeting Time & Location

The Board of Appeals meets on the first Tuesday of the month at 7:30 p.m. in the City Council Chamber of the Municipal Building, 160 Duke of Gloucester Street. All materials relevant to a variance or appeal must be received by the Planning and Zoning Department *30 days prior to the hearing*. Check with the Planning & Zoning Department for the monthly application deadline. Generally, the verdict (or opinion) of the Board will be available 40 days after the hearing.

Board of Appeals Fee Schedule

Any application to the Board of Appeals for a single family dwelling variance shall be subject to and accompanied by a fee of \$75.00; for all other variances, \$200.00; and for an appeal from an administrative decision shall be subject to and accompanied by a fee of \$200.00 (See Section 21.82.030).

If a transcript of any proceedings is desired by one of the parties thereto, such party must bear the costs of transcribing the record taken of such proceedings.

For More Information

Contact: City of Annapolis
Department of Planning & Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

410-263-7961 Baltimore line 410-269-0064 Washington line 301-261-0038